

REMARKS

Claims 1, 3-4, 6-9, 11-12, 14-17 and 19-25 are pending in the present patent application, of which all claims were rejected by the Office Action of December 18, 2006. Reconsideration of the Claim Rejections is requested in view of the following Remarks.

A telephonic Examiner Interview was conducted on March 9, 2007, in regard to the above-referenced application. The participants to the interview included Examiner Burton Mullins and Applicants' Patent Attorney Jeffrey Wax. No exhibits were utilized during the interview. The Office Action cited references were discussed including Takeda (U.S. Patent 6,104,114), Dunfield (U.S. Patent 5,694,268), and Ogawa (U.S. Patent 5,296,981). Applicants' pending claims were also discussed.

Recently, Examiner Mullins was assigned to this matter in place of Examiner Comas. During the March 9, 2007 Examiner interview, Examiner Mullins stated that Applicants' remarks were persuasive as to the references cited in the December 18, 2006 Office Action regarding the 35 U.S.C. § 103(a) claims rejections, and that the finality of the pending Office Action would be withdrawn, although a further search and Office Action would be issued.

Applicants note that prior to the December 18, 2006 Office Action and prior to the June 27, 2006 Office Action, Applicants filed an Appeal Brief on March 17, 2006, and the Office Action of June 27, 2006 responded stating that Applicants' request for reconsideration was persuasive.

However, Applicants note that two currently presented references were previously cited prior to Applicants' subsequent persuasive remarks, specifically, Takeda (U.S. Patent 6,104,114) and Dunfield (U.S. Patent 5,694,268).

Claims Rejected Under 35 U.S.C. § 103(a)

The Office Action rejects claims 1, 3-4, 6-9, 11-12, 14-17 and 19-25 under 35 U.S.C. 103(a) as being unpatentable over Dunfield (U.S. Patent 5,694,268) in view of Ogawa (U.S. Patent 5,296,981), and further in view of Takeda (U.S. Patent 6,104,114). Applicants traverse the claims rejection to show that obviousness is not established. Features of Applicants' claimed

invention are not taught or suggested by the references either individually or combined. Further, there is no suggestion or motivation either in the references or in knowledge generally available to one of ordinary skill in the art to modify the references or combine the references as stated.

The Office Action cited Dunfield reference:

The Office Action cites Dunfield (U.S. Patent 5,694,268) for disclosing a bonding substance formed about a stator. Applicants traverse the obviousness rejection.

Applicants submit that Dunfield is concerned with damping sympathetic vibrations in a stator structure to reduce the generation of acoustic noise in the storage device. Dunfield describes, at length, various mounting techniques to secure the overmold to the base including an annular projection, a mounting aperture, a mounting pin, a mounting ear, a mounting ring, an O-ring, a C-clamp, etc. Additionally, the Office Action states that Dunfield fails to describe “a motor seal situated radially outside the magnet and positioned axially above the stator and wherein the base plate axial thickness is minimized adjacent to the separation.”

The Office Action cited Ogawa reference:

The Office Action cites Ogawa (U.S. Patent 5,296,981) for disclosing “a magnetic shield that is not just use for magnetic shield but also as a motor gap seal in order to prevent oil and dirt from...” Applicants submit that Ogawa teaches away from Applicants’ claimed invention. Ogawa states that “an annular magnetic shielding plate 140 covers the upper surface of the stator coil 128... ..and that the magnetic shielding plate 140 has the function of preventing the magnetic disk 150 from being affected by the leakage flux...” (Ogawa, col. 7, lines 3-4 and lines 7-9). In contrast to Applicants’ claimed invention, Ogawa fails to teach a bonding substance formed about the stator uniting the base plate, the motor seal and the stator.

Ogawa further teaches away from Applicants’ claimed invention as Ogawa describes an annular wall portion 180 of the magnetic shielding plate 140, which extends axially up and occupies axial height (see Ogawa, FIG. 5, item 140, emphasis added). In contrast, Applicants’ invention is directed in part at minimizing base plate axial thickness.

The Office Action cited Takeda reference:

The Office Action cites Takeda (U.S. Patent 6,104,114) for disclosing “a motor having a base plate wherein the axial thickness is minimized adjacent to the separation of the stator and the base, wherein the stator is fixed with resin in order to reduce the axial thickness of the motor and absorb vibration.” Applicants traverse the claims rejection.

Takeda teaches away from Applicants’ claimed invention. Takeda describes an insulating sheet 42 disposed between the base plate 2 and the stator 30. In FIG. 3, Takeda shows the insulating sheet 42 occupying precious axial space. In contrast, the present invention minimizes the base plate axial thickness.

Takeda also describes receiving holes formed on the base plate to correspond to the teeth of the stator. In contrast to the present invention, Takeda fails to teach using a bonding substance formed substantially about the stator (Takeda utilizes adhesive only in a receiving hole), and uniting a motor seal, base plate and stator.

Applicants submit that there is no teaching or suggestion either individually, or combining the references to form a united base plate, stator and motor seal, wherein the stator is situated radially outside the magnet, and wherein the base plate axial thickness is minimized adjacent to the separation, as in Applicants’ claimed invention (Applicants’ independent claims 1, 9 and 17).

Dependent Claims 3-4, 6-8, 11-12, 14-16 and 19-25

It is submitted that Applicants’ dependent claims 3-4, 6-8, 11-12, 14-16 and 19-25 are allowable for at least the reasons stated above with regard to the independent claims. Further, Applicants’ dependent claims recite further features and combinations of features that are patentably distinct and not taught or suggested by Dunfield, Ogawa and Takeda even as combined.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 3-4, 6-9, 11-12, 14-17 and 19-25 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If the Examiner believes a telephone conference would be useful in moving the case forward, please contact the undersigned at Tel. (310) 312-1500.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2007.

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